

REFLECTIONS... ON THE NATIONAL WILDLIFE REFUGE SYSTEM

Donald Barry, Assistant Secretary – Fish, Wildlife and Parks

Some of the greatest political challenges to face the National Wildlife Refuge System took place more than two decades ago. Back then the system was a lot smaller and more homogenous than it is today. There were 368 units, comprising about 32 million acres. In the 24 intervening years, we have created 148 additional refuges, bringing the total to 516. We are now 58 million acres bigger, and we've added another million acres of wildlife protection areas.

But the story could have turned out differently. In 1975 Interior Secretary **Rogers C.B. Morton** decided that it would be a good idea to have an agency other than the U.S. Fish and Wildlife Service—in this case, the Bureau of Land Management—take over management of three units of the system, the so-called game range areas, saying that BLM would make a fine manager of those areas.

Fortunately for the refuge system, Congressman **John Dingell** was on patrol and quickly gave Secretary Morton the legislative spanking of his life. Dingell amended the Refuge Administration Act in 1976, making it crystal clear that units of the refuge system are to be managed by the director of the Service. Since 1976, that's been the law of the land. And this closed the case on those sorts of ideas, right? Not quite.

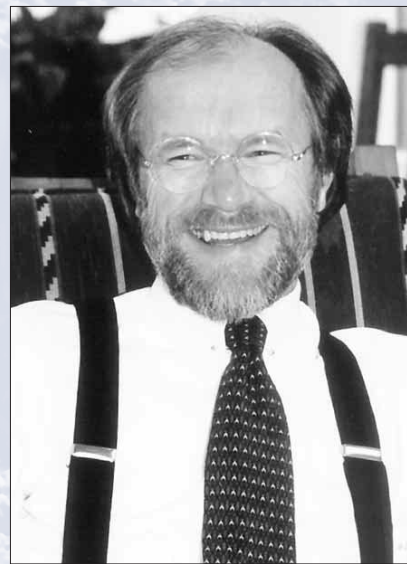
In 1981, Secretary **James Watt** decided to put the United States Geological Survey in charge of the study that was to be undertaken on the coastal plain of the Arctic National Wildlife Refuge. From his perspective, this was the way to show that there was a new team in town. This time the Ninth Circuit Court of Appeals concluded that the Alaska National Interest Lands Conservation Act and Congressman Dingell's amendment in 1976 made it unmistakably clear that the director of the U.S. Fish and Wildlife Service, not the USGS, was to be in charge of the study of the coastal plain.

The next frontal assault on the integrity of the system occurred in the aftermath of the selenium contamination crisis at the Kesterson National Wildlife Refuge.

Eventually **Secretary Hodel** was persuaded to shut Kesterson down. But in the post-Kesterson aftermath, we ended up going through one of the most grueling gun battles that I had ever experienced as chief counsel for the Service.

It had to do with an area next to Kesterson called the Grasslands. The scariest moment came when Interior's regional solicitor from Sacramento aggressively asserted that there was no responsibility on the part of the Secretary to exercise broad powers to keep a refuge alive; if the Secretary so chose, he could kill a wildlife refuge and that was that.

Though I prevailed in that case, I never forgot how close a call it was. Had the truth been known at that time, a technical reading of the Administration Act suggested that the solicitor was correct; there was nothing on the face of the statute that mandated a



Don Barry
Assistant Secretary
Fish, Wildlife and Parks

stewardship response by the Secretary of the Interior to keep a wildlife refuge in business. Though this matter was ultimately resolved favorably, it had a huge impact on me.

Two years ago, when I had the opportunity to help draft an executive order for President Clinton on the management and care of the National Wildlife Refuge System, I decided to use the opportunity to put in a statement of stewardship responsibility that I felt was missing in the Refuge Administrative Act. We inserted language regarding the long-term stewardship responsibility of the Secretary not only for the system as a whole but also for each individual refuge.

For good measure, we then added an express responsibility on the part of the Secretary to maintain the biological integrity, diversity, and environmental health of the refuge system and individual refuges. I predict that decades from now this section dealing with the Secretary's stewardship role and the directive to maintain



the environmental health of each unit will be seen as the most sweeping, important enactment in the history of the refuge system.

During the last 24 years, we have made tremendous progress in eliminating inappropriate and incompatible activities and regaining the focus of what wildlife refuges are all about. Refuges today are more what they were meant to be than at any other point in the history of the system. I think the grossest past examples of incompatible activities have been vanquished. In large measure, this trend started under **John Turner's** leadership and it continues today.

Unlike Rodney Dangerfield, the National Wildlife Refuge System is finally getting some respect. Several milestones have occurred in the last two years, including the first-ever Presidential executive order on the care and protection of the refuge system and Congressional enactment of the Refuge Improvement Act with overwhelming support—407 to 1.

In addition, as a result of the tireless efforts of Service Director **Jamie Rappaport Clark** and Assistant Director **Dan Ashe**, the refuge system for the first time is authorized to tap into the highway fund for repair and rehabilitation of refuge roads. This will provide \$20 million a year for critical road work. We also have a Secretary of the Interior who supports expanded funding for the refuge system and says no to incompatible activities such as mining operations next to refuges.

I think the refuge system today enjoys the broadest base of support in its history. It should. The National Wildlife Refuge System has a vast array of invaluable resources to offer the American people—from preservation and restoration to education and recreation.